

**ALEXANDER LEE, Appellant, vs. R. HIRSCH, Agent for A. Wœrmann of
Hamburg, Appellee.
LRSC 13; 1 LLR 116 (1878)**

[January Term, A. D. 1878.]

Appeal from the Court of Quarter Sessions and Common Pleas, Sinoe County.

This is a case coming up on an appeal from the Court of Quarter Sessions and Common Pleas, Sinoe County. The defendant objected to the plaintiff's account book being admitted without having an affidavit attached to it; upon which the judge ruled that entries in books of accounts are admissible evidence in actions of debt, to which ruling exceptions were taken.

Entries in books of accounts are admissible evidence, the credibility and effect of which, with or without suppletory oath, being a matter for the determination of the jury, or in the present case, where trial by jury was waived, of the court. The court below therefore did not err in said ruling. The weight to be given to the account required by law to be filed with the complaint is not that of evidence, but of "notice of the facts the plaintiff intends to prove."

The court adjudges that the judgment of the lower court is affirmed; appellant ruled to pay costs.